

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

April 26, 2006

**SUBJECT:**

Variance Application APP2006-00859

Applicant: Mr. Kevin Gallagher  
1200 Highwood Road  
Rockville, Maryland 20851



Property Location: 1200 Highwood Road

Board of Appeals Public Hearing Date: May 6, 2006

**REQUEST:**

The applicant seeks a variance of nine and one-half feet on one side and four and one-half feet on the other from the front yard setback requirement to construct a covered porch. The wraparound covered porch is proposed to extend out eight feet three inches from the front and right side of the house.

**STAFF RECOMMENDATION:**

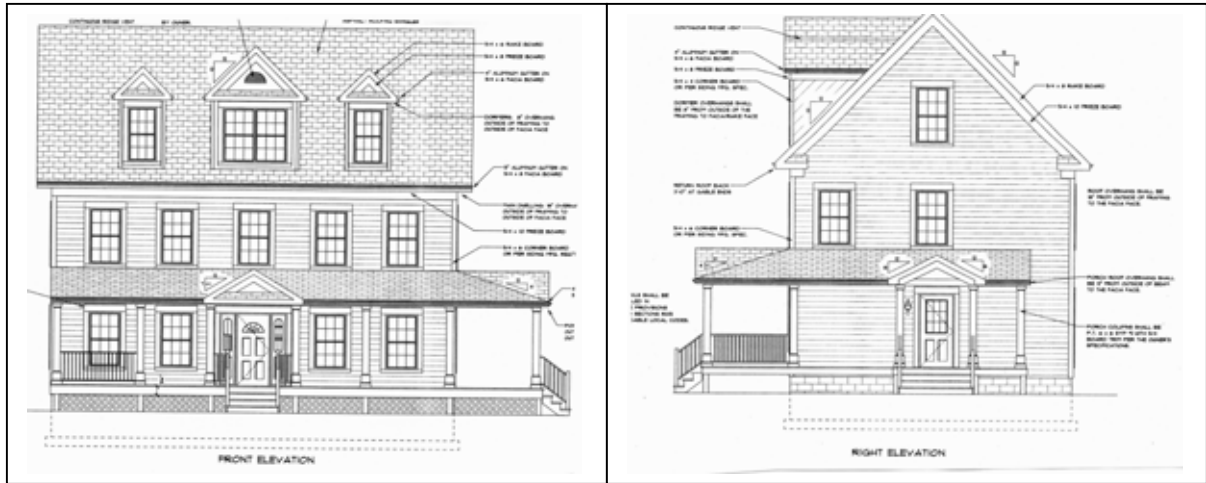
Modified approval, subject to the following:

1. That the covered porch be constructed in substantial conformance with the submitted plans and with materials compatible with the existing home;
2. That the porch remain an open porch and not be enclosed; and
3. The applicant must submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements.

**ANALYSIS:**

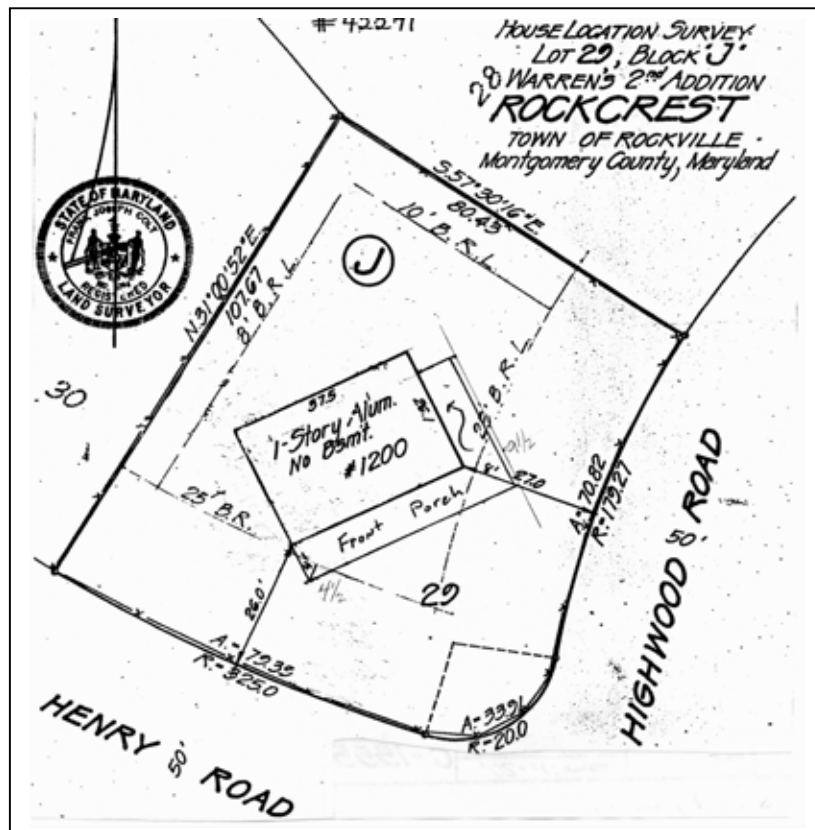
**Project Proposal**

The applicant proposes major renovations to the dwelling. Included in those plans is a wraparound porch that is intended to cover the main entry into the home as well as the family's everyday entry into the home. The roof is proposed to project eight feet three inches out from the house.



## Property Description and Background

The subject property is located in the Warren's Addition to Rockcrest subdivision. The property is made up of a 8,694 square foot corner lot, that is improved with a one-story single family dwelling. The house is placed diagonally on the corner of Henry Road and Highwood Road, with a driveway off the Highwood Road frontage. The property is relatively flat with a slight rise to the back property line.



### **Requested Variance**

The property is located within the R-60 Zone where the front setback is twenty-five feet from each from each front property line. The porch is eight feet three inches deep but due to the diagonal placement of the house, the proposed porch would encroach nine and one-half feet into the Highwood Road front setback and four and one-half feet into the Henry Road front setback.

### **Applicable Sections of the Zoning Ordinance**

Section 25-1 defines variance as a modification only of the density, bulk or area requirements, where such modification will not be contrary to the public interest and, owing to conditions unique to the property and not the result of any action taken by the applicant, of which literal enforcement of the ordinance would result in practical difficulty.

### **Staff Analysis and Recommendation**

The following are the findings that must be made in order for the Board to approve a variance, as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** Due to the placement of the house, it is only the corners of the porch that encroach into the front setback. On the left side of the house, the proposed porch encroaches into the front setback four and one-half feet. It is a triangular shaped section of the roof that contains approximately fifteen square feet in area. On the right side, where the front portion of the porch intersects with the side porch, there is a proposed encroachment of nine and one-half feet. This is also a triangular shaped section of the roof that contains approximately eighty-four square feet in area. It is not as if the proposed encroachments are continuous along the entire frontages, they are for small sections of the roof in two different locations. Because the rooflines are very narrow in width at the point of greatest encroachment, their impact is much less than if it were a continuous encroachment across the full front of the house. For this reason, the variance as requested would not be contrary to the public interest.
2. **The variance is requested owing to conditions peculiar to the property and not the result of any action taken by the applicant.** The house is placed diagonally to the corner created by the intersection of Henry Road and Highwood Road. The odd configuration of the property makes it difficult to place roof coverings over the two entryways in a flattering architectural style. As a result, the variance is requested owing to conditions peculiar to the property that are not the result of any action taken by the applicant.
3. **A literal enforcement of the Ordinance will result in practical difficulty.** As with many homes within the subdivision, the family will use the side entry rather

than the more formal front entry into the house. No matter whether it is the everyday entry or the formal entry, a covered porch serves to protect the entry into the house. It is possible to construct to separate porches that would functionally produce cover over the entry doors. The practical difficulty is that two separate porches would fracture the proposed architectural style. Two separate porches would always look as if they were just placed on the home without any thought to their placement or the architectural style of the house.

Based on the above, staff recommends approval of Variance Application APP2006-00859, subject to the conditions noted.

#### **NOTIFICATION**

Notices about the public hearing were sent to 521 residences, including those that are legally required.